



09/865766



Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1-27-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

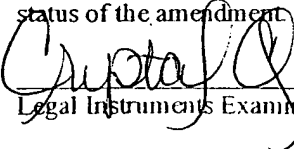
- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: HAS TO SAY "PREVIOUSLY PRESENTED"

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period of response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliance status of the amendment.


Legal Instruments Examiner (LIE)

Telephone No.

RCE Response/Amendment
App. S/N: 09/865,766
Attorney Docket No. 4313 P

03-1804
RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT
of 02/18/2004

Imay 1744
Examiner Theresa T. Snider
Group Art Unit: 1744
Confirmation No. 5765

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



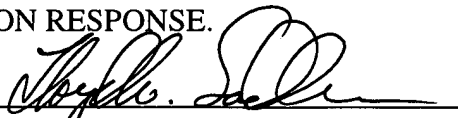
INVENTORS: David K. Thatcher
Colby M. Haas
Brian C. Clark
ASSIGNEE: Spectrum Industrial Products, Inc.
TITLE: POWERED FLOOR SCRUBBER AND BUFFER
SERIAL NO.: 09/865,766
CONFIRM. NO.: 5765
FILING DATE: May 25, 2001
GAU: 1744
EXAMINER: Theresa T. Snider
DOCKET NO.: 4313 P

Mail Stop: OFFICE ACTION RESPONSE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

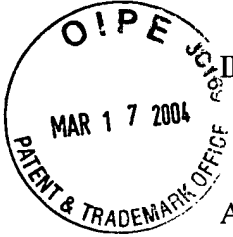
Honorable Commissioner for Patents:

I hereby certify that the attached paper or fee (Response to Notice of Non-Compliant Amendment) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," Express Mail Mailing Label Number ER970066034US on this 17th day of March 2004 with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: OFFICE ACTION RESPONSE.


Signature of registered practitioner or other person
having reasonable basis to expect mailing to occur
on the date of deposit shown pursuant to 37 CFR. §
1.8(a) or person actually making deposit pursuant to
37 CFR § 1.10(b).

Lloyd W. Sadler, Reg. No. 40,154
Name of person whose signature is given above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



INVENTORS: David K. Thatcher
Colby M. Haas
Brian C. Clark

ASSIGNEE: Spectrum Industrial Products, Inc.

TITLE: POWERED FLOOR SCRUBBER AND BUFFER

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COVER LETTER

Honorable Commissioner for Patents:

Enclosed herewith please find the following documents comprising: (1) a Response to Notice of Non-Compliant Amendment and ; (2) a return receipt postcard.

Because this response is being filed within the permitted one month response period from the mailing date of the notice, the applicant believes that no fee and no request for extension of time is required. In the event, that an extension is required, the applicant hereby requests such an extension in time and hereby authorizes the Commissioner to charge any deficiency in fees to Deposit Account No. 50-0581.

Respectfully, submitted this 17th day of March, 2004.



Lloyd W. Sadler, Reg. No. 40,154
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Honorable Commissioner:

Applicant has received a Notice of Non-Compliant Amendment to an Office action with a mailing date of February 18, 2004. This paper is intended to be fully responsive to the cause of this Notice, namely "C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified" and "E. Other: Has to say "Previously Presented." The applicant has included in this response the complete Office action response previously filed and has corrected the claim status to indicate "Previously Presented" as required. The applicant respectfully requests entry of the following amendment and favorable consideration of the present claims.

This paper has been prepared in the "revised format" as outlined in an article entitled "Amendments in a Revised Format Now Permitted" posted to the United States Patent and Trademark Office website January 31, 2003.

Amendments to the Claims begin on page 2 of this paper.
Remarks/Arguments begin on page 6 of this paper.

Amendment "C"